

## Grandparents and Other Relatives Raising Children: Subsidized Guardianship Programs

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### INTRODUCTION

In the United States, there are 5.4 million children living in grandparent or other relative-maintained households, 2.1 million of whom are being raised solely by their grandparents or other relatives with no parents present (U.S. Bureau of the Census, 1998). Factors such as parental substance abuse, incarceration, HIV/AIDS, and death are causing grandparents and other relatives to step forward and keep families together.

Public policies and programs in many areas of the country have not kept pace with the increase in the number of these families and these families' diverse needs. Some families may only need a support group or respite, whereas others need financial assistance. In many states, the only financial assistance available is foster care payments for those relatives who are foster parents, and Temporary Assistance for Needy Families (TANF) or "welfare" child-only grants in an amount that is usually significantly less than foster payments.

In addition to these programs, some states also have subsidized guardianship programs, which strive to provide income support to these families and permanency for the children. Each state's program differs. In general, however, subsidized guardianships are designed for those children who have been in state custody, with a relative or non-relative providing the care, for at least six months and in some states up to two years. These subsidized guardianships give the caregiver the opportunity to become the legal guardian of the child, thereby replacing the state in that role. The court that considers the guardianship reviews the existing placement and, in those cases of older children, often seeks the input of the child as well.

Reunification with the parents and/or adoption generally must be ruled out as placement options. If the court finds that the guardianship is in the "best interests" of the child and grants it, the state no longer has custody. After guardianship is granted, the state issues a monthly subsidy check to the guardian for the care of the child. The subsidy is sometimes less than the foster care payment in that state, but usually more than the TANF child-only grants, and continued eligibility for the subsidy is typically re-determined annually. The subsidy payments usually end when the guardianship terminates or when the child turns 18, although several states continue the subsidy until the child reaches age 21 or 22 provided he or she is attending school.

This fact sheet contains information about (I) state subsidized guardianship programs; (II) a waiver program available from the federal government that allows states to use funds available under Title IV-E of the Social Security Act to test these programs; and (III) other subsidized guardianship programs available in Florida, Louisiana, and Missouri that do not require a child to have been in state custody in order to qualify for the programs. The information in this sheet has been gathered through library research and phone conversations with the agencies administering the programs. If you would like additional information concerning any of the programs, contact the agency listed below for each program.

### I. STATE SUBSIDIZED GUARDIANSHIP PROGRAMS:

#### ◆ ALASKA

- Alaska's subsidized guardianship program started in 1990 and, as of May 2001, the program is serving approximately 332 children.
- The child must have special needs and if under age 10, the reason for this guardianship placement must be explained.
- The income and assets of both the guardian and child are tested, and the monthly payment can be up to the foster care rate.
- State funds are used to finance this program.
- For further information, contact the Alaska Department of Family and Youth Services at (907) 465-3170.

#### ◆ ARIZONA

- Arizona's "guardianship subsidy" program started on August 6, 1999 for guardianships finalized after that date and, as of April 2001, the program is serving approximately 274 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- The guardian must apply for all other cash-assistance programs for which the child is eligible. The monthly payment, which is the same as the foster care rate, is offset by these funds.
- A combination of TANF and state funds are used to finance the program.
- For further information, contact the Arizona Department of Economic Security, Administration for Children, Youth and Families at (602) 542-2355.

#### ◆ CALIFORNIA

- California's "Kin-GAP" program started on January 1, 2000 and, as of March 2001, the program is serving approximately 8,000 children.
- There are no age restrictions for the children and the program is not intended for children with special needs. Children with special needs are eligible for other funding.
- The "Kin-Gap" monthly payment is the same as the foster care rate.
- The State's TANF block grant funds, in addition to State and county funds, are used to finance this program.
- For further information, contact the Foster Care Policy Division of the California Department of Social Services at (916) 445-0813.

#### ◆ CONNECTICUT

- Connecticut's "subsidy for relative caregivers" program started in 1998 and, as of April 2001, the program is serving over 615 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- Only the child's income and assets are tested, and the monthly payment can be the same as the foster care rate.
- State funds are used to finance the program.
- For further information, contact the Connecticut Department of Social Services, Department of Children and Families at (860) 550-6300.

#### ◆ HAWAII

- Hawaii's "permanency assistance" program started in 1990, and during 1999, the program served 100 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- The caregiver obtains either permanent custody or guardianship.
- Only the child's income is tested. That income is subtracted from the subsidy, which can be the same as the foster care rate.
- State funds are used to finance this program.
- For further information, contact the Hawaii Department of Human Services, Program Development Office of Child Welfare Services at (808) 586-5925.

#### ◆ INDIANA

- Indiana's "assisted guardianship" program started in July 2000 and, as of April 2001, the program is serving approximately 125 children.
- The child must be 13 years or older, but special considerations are given if the child is part of a sibling group, has a serious disability, or another compelling reason is given.
- The maximum monthly payment is \$512 per child, which is higher than some counties' foster care rates and lower than others'.
- TANF funds are used to finance the program.
- For further information, contact the Indiana Family and Social Services Administration, Division of Family and Children at (317) 232-4622.

#### ◆ KANSAS

- Kansas's "permanent guardianship subsidy" program started in July 2000 and, as of April 2001, the program is serving approximately 40 children.
- The child must be 14 years of age or older, but exceptions are made for sibling groups or other compelling circumstances.
- Only a child's income in excess of \$186 per month is taken into consideration in determining eligibility. The guardian is expected to apply for other cash assistance benefits on behalf of the child, such as TANF child-only. These funds will offset the monthly subsidy, which is a maximum of \$225 per child.
- State funds are used to finance the program.
- For further information, contact the Kansas Department of Social and Rehabilitative Services, Commission of Children and Family Policy at (785) 368-8171.

#### ◆ KENTUCKY

- Kentucky's "Kinship Care" program started in October of 1999 and, as of April 2001, is serving approximately 1,679 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- Only the income of the child is tested. The guardian must cooperate with child support activities. The maximum monthly payment is \$300 per child for up to 6 children.
- TANF funds are used to finance the program.
- For further information, contact the Cabinet for Families and Children, Department for Community-Based Support Services at (502) 595-4019.

#### ◆ MASSACHUSETTS

- Massachusetts subsidized guardianship program started in 1983, and as of December 1999, the program is serving over 2,000 children.
- There are effectively no age restrictions for the children and the program

is not limited to children with special needs.

- If the child receives other State or federal support payments, the monthly guardianship payment is the difference between those payments and the foster care rate.
- State funds are used to finance this program.
- For further information, contact the Massachusetts Department of Social Services at (617) 727-0900.

#### ◆ MINNESOTA

- Minnesota's "relative custody assistance" program started in 1997, and as of April 2001, the program is serving over 900 children.
- There are no age restrictions for the children, but they must be members of sibling groups being placed together or have special needs.
- The caregiver obtains legal custody, rather than guardianship.
- The gross family income must be 200% or less of the federal poverty guidelines to be eligible for the full subsidy, which is about 40% of the foster care rate. Relatives must apply for the TANF child-only grant and the amount received is deducted from the subsidy. If the gross family income is 300% of the federal poverty guidelines, the family is not eligible.
- State funds are used to finance this program.
- For further information, contact the Minnesota Department of Human Services, Family and Children's Services Division at (651) 296-0584.

#### ◆ MISSOURI

- Missouri's "subsidized guardianship" program started on August 28, 1999, and as of April 2001, the program is serving approximately 532 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- Only the child's income is tested, and the maximum monthly payment is the same as the foster care rate.
- The child must have been in the custody of the Division of Family Services. Also eligible are children who meet special needs criteria and have been in the custody of the Department of Mental Health, Division of Youth Services or a private agency.
- Approved relatives are defined as grandparents, aunts, uncles, and adult siblings.
- State adoption subsidy funds are used to finance this program.
- For further information, contact the Missouri Department of Social Services, Division of Family Services, Children's Services at (573) 522-8799.

#### ◆ NEBRASKA

- Nebraska's subsidized guardianship program started in the early 1980s, and as of April 2001, the program is serving approximately 808 children.
- The program is limited to (1) children with special needs; (2) sibling groups of 3 or more being placed together; (3) children with "strong attachment" to the potential guardian; or (4) children age 12 or older for whom adoption is not an option.
- Only the child's income is tested, and the monthly payment is offset by that income, but can be the same as the foster care rate.
- State funds are used to finance this program.
- For further information, contact the Nebraska Department of Health and Human Services at (402) 471-9272.

#### ◆ NEVADA

- Nevada's guardianship subsidy program will become effective on October 1, 2001.

- The child must be under 18 to qualify, and the caregiver must be over age 62.
- The program is not limited to children with special needs.
- TANF funds are used to finance the program.
- For further information about this program, contact the Nevada Department of Human Services, Child and Family Division at 775-684-4400.

#### ◆ NORTH DAKOTA

- North Dakota's guardianship subsidy program started in March 2000 and, as of May 2001, 17 children are approved to receive subsidies, although at the time of this writing no subsidies have been received.
- The child must be at least 12 to qualify.
- The maximum monthly payment is \$16.11/day, less any other benefits the child receives.
- The program is funded through Title IV-B and state funds.
- For further information, contact the North Dakota Department of Human Services, Children and Family Services at (701) 328-3581.

#### ◆ PENNSYLVANIA

- As of May 2001, Pennsylvania's caregiver subsidy program has not yet been implemented at the state level, but was approved in the Governor's budget in July of 2000. It is associated with the "permanent legal guardianship" program, which has not yet been implemented at the state level either.
- Counties have been issued drafts of each of these policies, and may be implementing their own programs.
- There are no age restrictions for the children.
- State and county dollars will be used to finance the program.
- For further information, contact the Pennsylvania Department of Public Welfare, Office of Children, Youth, and Families at 717-783-3856.

#### ◆ RHODE ISLAND

- Rhode Island's guardianship subsidies are effectively not available to relatives. If the guardian is a relative, he or she is referred to apply for the TANF child-only grant.
- For further information, contact the Rhode Island Department of Children, Youth and Families at (401) 222-5212.

#### ◆ SOUTH DAKOTA

- South Dakota's subsidized guardianship program started in the mid-1980s, and as of April 2001, the program is serving approximately 59 children.
- The program is for children over age 6 and is not limited to children with special needs.
- The income and assets of both the guardian and child are tested, and the maximum monthly payment is the same as the foster care rate.
- The program is financed using some federal Title XX social services block grant funds, in addition to State funds.
- For further information, contact the South Dakota Department of Social Services, Child Protection Services at (605) 773-3227.

#### ◆ UTAH

- Utah's subsidized guardianship program started in the mid-1990s, and as of May 2001, the program is serving approximately 130 children.
- There are no age restrictions for the children and the program is not limited to children with special needs. Guardianship subsidies are

intended for children who have been in foster care for 12 months or longer.

- Only those guardians who cannot qualify for TANF's child-only grants are eligible to receive a monthly guardianship subsidy.
- There is no income test for either the caregiver or the child, and the maximum monthly payment is the same as the foster care rate.
- State funds are used to finance this program.
- For further information, contact the Utah Department of Human Services, Division of Child and Family Services at (801) 538-4100.

#### ◆ WASHINGTON

- Washington has a "dependency guardianship" monthly payment, which is only available to licensed foster care parents. Relatives are eligible, but must be licensed foster care parents.
- For further information, contact the Washington Children's Administration at (360) 902-7920.

#### ◆ WEST VIRGINIA

- West Virginia's subsidized guardianship program started in 1998 and, as of April 2000, the program serves approximately 11 children.
- The program is limited to (1) children with physical or mental disabilities; (2) children who are emotionally disturbed; (3) older children; (4) children who are part of a sibling group; (5) children who are members of racial or ethnic minorities; or (6) those with a combination of these factors.
- Only the child's income is tested, and the maximum monthly payment is the same as the foster care rate.
- State funds are used to finance this program.
- For further information, contact the West Virginia Department of Social Services at (304) 558-7980.

#### ◆ WISCONSIN

- Wisconsin's "long-term kinship care relative" program started in 1998, and as of March 2001, the program is serving approximately 183 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- There is no income test for either the caregiver or the child. However, the payments are not available for children receiving supplemental security income (SSI). The payment is set at \$215 per month per child, which is less than the State's foster care rate. (The State's foster care rate varies based on a child's age and any special needs.)
- The State's TANF block grant funds are used to finance this program.
- For further information, contact the Wisconsin Department of Health and Family Services at (608) 267-7287.

#### ◆ WYOMING

- Wyoming's guardianship subsidy program started in February 1999, and as of May 2001 the program is serving 75 children.
- This program was developed for children already in state custody, but exceptions can be made if a child is at risk for going into state custody.
- The maximum monthly payment is \$340 per child, which is slightly less than the monthly foster care rate.
- State funds are used to finance this program.
- For further information, contact the Wyoming Department of Family Services at (307) 777-3570.

## II. FEDERAL WAIVERS TO TEST SUBSIDIZED GUARDIANSHIP PROGRAMS:

- In addition to the state programs, the U.S. Department of Health and Human Services (DHHS) has a five-year waiver program so states may use foster care funds available through Title IV-E of the Social Security Act to test various programs, including subsidized guardianships.
- Between 1996-98, *California, Delaware, Illinois, Maryland, Montana* and *North Carolina* applied for and received waivers to test subsidized guardianships.
- In fall 1999, HHS also granted waivers to the *District of Columbia* and *New Mexico* to test these programs and approved an extension of Oregon's existing Title IV-E waiver project to include such a program.
- For further information concerning these federal waivers, contact DHHS, Administration on Children, Youth and Families at (202) 401-2337.

## III. OTHER "SUBSIDIZED GUARDIANSHIP" PROGRAMS THAT DO NOT REQUIRE THE CHILD TO HAVE BEEN IN STATE CUSTODY:

### ◆ FLORIDA

- Florida's "relative caregiver" program started in 1998 and, as of April 2001, the program is serving 11,829 children.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- This program supports relatives with court-ordered temporary legal custody or with court-ordered placement of children with the State retaining supervision, in addition to relatives who have obtained permanent custody or guardianship.
- Only the child's income and assets are tested. Monthly payments are based on the child's age.
- The State's TANF block grant funds are used to finance this program.
- For further information, contact the Florida Department of Children & Families, Economic Self Sufficiency Services at (850) 488-8030.

### ◆ LOUISIANA

- Louisiana's "kinship care subsidy program" started on March 1, 2000 and, as of April 2001, the program is serving 2,404 children.
- The child does not need to have been in State custody or care and the relative caregiver can be either the child's legal custodian or guardian.
- The child's parents must not reside in the household.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- The relative's income must be less than 150% of the federal poverty guidelines and the child's income must not exceed \$222 per month. The amount of the subsidy is set at \$222, which is roughly half of Louisiana's foster care rate (that rate varies between \$11.03 to \$13.29 a day, depending on the age of the child) and \$100 more than the State's TANF child-only grant.
- The State's TANF block grant funds are used to finance this program.
- For further information, contact the Louisiana Department of Social Services, Office of Family Support in Baton Rouge at (225) 342-3947. (If you reside in Louisiana and are interested in applying for this program, you must contact the Office of Family Support in your parish.)

### ◆ MISSOURI

- Missouri's "grandparents as foster parents" program (previously "grand-

parents as guardians") started in 1997, and as of March 2001, the program is serving more than 2,538 children.

- The program differs from the other Missouri program listed above in that the child does not need to have been in State custody or care, and grandparents (or other relatives) may become either the child's legal custodian or guardian.
- Despite the name of the program, the relative caregiver does not become a foster parent, although he or she must attend foster parent training for the full benefits. Relative caregivers may refuse training and still be eligible for some of the benefits.
- There are no age restrictions for the children and the program is not limited to children with special needs.
- Only the child's income is tested, and the maximum payment is the same as the foster care rate.
- The relative caregiver must be age 50 or over. Relatives under 50 may qualify for benefits for up to 5 years. Work participation by the relative under 50 is required.
- The State's TANF block grant funds are used to finance this program.
- For further information, contact the Missouri Department of Social Services, Division of Family Services, Children's Services at (573) 522-8799.

## CONCLUSION

Most grandparents and other relatives are raising children unexpectedly and therefore did not have the opportunity to financially plan for them. Programs, like subsidized guardianships, that provide financial supports for the care for the children are very necessary for some families. States that do not have such programs might want to explore starting one and can use those already developed as a starting point.

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